



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
— Washington, D.C. 20231
www.uspto.gov

NP

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/543,235 | 04/05/2000 | John C. Krumm | MCS-008-00 | 6912 |

27662 7590 11/27/2002

LYON & HARR, LLP
300 ESPLANADE DRIVE, SUITE 800
OXNARD, CA 93036

EXAMINER

LAU, TUNG S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2863 | |

DATE MAILED: 11/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/543,235

Applicant(s)

KRUMM, JOHN C.

Examiner

Tung S Lau

Art Unit

2863

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

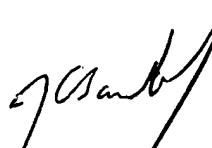
8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. Other: _____.

Continuation of 5. does NOT place the application in condition for allowance because: the affidavits 1.132 filed on 11-4-2002 has not been consider beacuse has not filed in a timely matter according to MPEP 716.01. MPEP 716.01 The following criteria are applicable to all evidence traversing rejection submitted by applicants, including affidavits or declarations submitted under 37 CFR 1.132: (A) Timeliness. affidavits traversing rejections must be timely or seasonably filed to be entered and entitle to consideration. In re Rothermel, 276 F2d 393, 125 USPQ 328 (CCPA 1960). Affidavits and declarations submitted under 37 CFR 1.132 and other evidence traversing rejections and considered timely if submitted: (1) prior to a final rejection, (2) before appeal in an application not having a final rejection, (3) after final rejection for the purpose of overcoming a new ground of rejection or requirement made in final rejection or with a satisfactory showing under 37 CFR 1.116(b) or 37 CFR 1.195 or under 37 CFR 1.129(a).

Response to Arguments

Applicant's arguments filed 11/4/2002 have been fully considered but they are not persuasive.

- a. Applicant argue the lack of motivation in Burkhardt. The advantage of Burkhardt's invention is to work in a high speed and variable resolution digital system (col. 1, lines 54-64) and to increase the speed of scanning and the quality of the data produced (col. 2, lines 5-30), seems is a good reason to increase quality of the data gather in a high speed and high resolution system.
- b. Applicant continue on arguing that Sengupta invention work in the same coordinate system (col. 7, lines 16-17), and that different from the claim invention which use different coordinate system. While is commonly well known in the art at the time the invention was made to know to use transformation of coordinate in order to increase the speed of calculation of data specially between Cartesian coordinate and rotational coordinate or polar coordinates (College freshman Calculus courses); Thormann et al. (U.S. Patent 4,381,608, May 1983) illustrated the well known features of the transformation of coordinates and the advantage of using such system (fig. 1-4, col.1, lines 35-57).
- c. Applicant continue to argue that the applicant 'transformation parameters' is different from Sengupta 'interpolation (col. 9, lines 29-31), both forms obtain the final products from a know results using formula of calculation. The definition of transformation is the operation of changing (as by rotation or mapping) one configuration or expression into another in accordance with a mathematical rule. And interpolation is to estimate values of (a function) between two known values, according to Merriam Webster at <http://www.m-w.com/cgi-bin/dictionary>; they both arrive the results by applying function or rules which relates to the original data.
- d. Applicant argue the lack of motivation to combine Tayayama. The applicant invention interface using various type of digital interface (fig. 1), it is obvious to have a system that can work with different type of digital interface system (Takayama co. 2, lines 1-9).
- e. Applicant argue the lack of motivation to combine Thompson; While it is positive objective for the invention to reduce error on any measurement system (for phase correction on a multiple frequency bands system and to reduce measurement error (col. 4, lines 13-21, 58-63)).
- f. Applicant argue the lack of motivation to combine Grumet. Grumet teaches the correction of unsynchronized data between cameras (col.12, lines 16-30), for an optical matched image correlation system and have an accurate adjustment of the object (col. 1-2, lines 65-10). It is a desired for the invention to be accurate adjustment on an object by having optical matched image correlation system.



John Barlow
Supervisory Patent Examiner
Technology Center 2800